

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

SOUTH CAROLINA DEPARTMENT
OF TRANSPORTATION,

Plaintiff,

v.

CSX TRANSPORTATION, INC.,

Defendant.

Civil Action No. 2:24-cv-04509-BHH

**NOTICE OF MOTION AND CONSENT
MOTION FOR EXTENSION OF
RESPONSIVE PLEADING DEADLINE**

YOU WILL PLEASE TAKE NOTICE THAT Defendant CSX Transportation, Inc. (“Defendant”), by and through its undersigned counsel, with the consent of Plaintiff South Carolina Department of Transportation (“Plaintiff”), and pursuant to Local Civ. Rules 6.01 and 12.01 (D.S.C.), respectfully moves this Court for an Order extending Defendant’s deadline to respond to Plaintiff’s Complaint, as more fully set forth herein.

1. Plaintiff filed its Complaint in the Court of Common Pleas for Charleston County, South Carolina on July 9, 2024, which was served on Defendant on July 17, 2024.

2. Defendant filed its Notice of Removal with this Court on August 16, 2024 (ECF No. 1). Accordingly, pursuant to Fed. R. Civ. P. 81(c)(2)(C), the current deadline for Defendant to file its responsive pleading is August 23, 2024.

3. Defendant requests that this Court extend the current deadline by thirty-eight (38) days, such that the proposed extended deadline would be Monday, September 30, 2024.

4. Defendant’s responsive pleading deadline has not been extended previously, and this requested extension would not affect any other deadlines. As of the date of this filing, no scheduling order has been entered in the case.

5. This request is supported by good cause and is not made in an effort to unnecessarily delay these proceedings, but rather is a request necessitated by Defendant's counsel's workload and previously scheduled personal and professional commitments.

6. Additionally, pursuant to 28 U.S.C. § 1447, Plaintiff's deadline to file a motion to remand, if one is to be filed, is September 16, 2024. Extending Defendant's responsive pleading deadline beyond that date would promote the interests of justice and preserve Court and party resources, as such a motion (if filed) must be decided in order to determine whether a responsive pleading must be filed in this Court.

WHEREFORE, Defendant, with the consent of Plaintiff, respectfully requests that the Court extend its deadline to file its responsive pleading up to and including September 30, 2024. Undersigned counsel affirms, pursuant to Local Civ. Rule 7.02 (D.S.C.), that he has conferred with opposing counsel prior to filing this motion, and that opposing counsel consents to the request made herein. In accordance with Local Civ. Rule 7.04 (D.S.C.), a full explanation of the motion is contained within this motion, and as a result, neither a memorandum nor affidavit will serve any useful purpose.

[Signature Follows]

WE SO MOVE:

s/ Jeffrey S. Tibbals

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August 22, 2024

WE SO CONSENT:

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August 22, 2024